

Appln. Serial No. 10/509,397
Amendment dated September 18, 2007
Reply to Office Action Mailed July 20, 2007

REMARKS

In the Office Action dated July 20, 2007, claims 1-9, 12-22, 25, and 26 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,603,977 (Walsh); claims 5-9, 12, 13, 18-22, 25, and 26 were rejected under 35 U.S.C. § 103(a) over Walsh in view of U.S. Patent No. 6,879,835 (Greene); and claims 10, 11, 23, and 24 were rejected under 35 U.S.C. § 103(a) over Walsh in view of U.S. Patent No. 6,714,778 (Nykanen).

In the present Office Action, the previous rejections were maintained. The Office Action basically copied the previous rejections and added a Response to Arguments section that does not fully address Applicant's arguments.

With respect to independent claim 1, the rejection is **clearly defective**, as the Office Action has failed to identify where in Walsh the following elements of claim 1 are found:

- a module for identifying a subscription to the cellular network and means for transferring multiple user streams between the cellular network and the respective terminal equipments through said radio unit and within the framework of said subscription identified by said module, where both the module and the means for transferring are part of the radio unit.

In the Office Action on page 3, no corresponding element of Walsh was identified for the recited "module" of claim 1, and no corresponding element of Walsh was identified for "means for transferring multiple user streams" of claim 1.

It is apparent that the Office Action has failed to identify what in Walsh constitutes the "module" and "means for transferring" of claim 1 because Walsh clearly does not include such elements.

Moreover, the present Office Action continued to cite to a previous version of claim 1, and not to the amended version of claim 1 made in the Reply to Office Action submitted on October 10, 2006.

Rather than change the rejection to fully address the defects in the rejection identified by Applicant in the previous Reply, the Office Action merely described some passages of Walsh in the Response to Arguments section of the Office Action, and did not provide any mapping of components of Walsh to the specific language of claim 1. **To avoid an unnecessary appeal by Applicant, Applicant respectfully requests that the Examiner withdraw the final rejection**

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and either: (1) allow the present application since Walsh clearly does not provide any teaching of the present invention; or (2) issue a new ground of rejection if one is available.

The radio unit of claim 1 includes a first communication interface with the terminal equipments, and a second radio communication interface with a cellular network. The Office Action identified communication channel 124 as being the first communication interface, and the communication channel 126 as being the second communication interface (7/20/2007 Office Action at 2); based on this, the Office Action appeared to have equated the wireless communication device 104 to also be the radio unit of claim 1. Thus, according to the rejection in the Office Action, the wireless communication device 104 constitutes **both** the terminal equipments of claim 1 and the radio unit of claim 1. This reading is clearly inconsistent with the language of claim 1, which explicitly states that the radio unit comprises a first communication interface *with the terminal equipments*. If the radio unit and terminal equipments are both considered to be element 104 in Fig. 1 of Walsh, then the above language of claim 1 clearly cannot be satisfied by Walsh.

The above is a first point of error made in the Office Action.

Even more fundamentally, the rejection is defective because Walsh clearly fails to disclose a radio unit that has a module for identifying a subscription to the cellular network and means for transferring *multiple* user streams between the cellular network and the respective terminal equipments through the radio unit and *within the framework of the subscription identified by the module*. If the wireless communication device 104 (which is an individual end user device) is considered to be the radio unit, then this wireless communication device clearly cannot include a module for identifying a subscription to the cellular network *and* means for transferring *multiple user streams* between the cellular network and the respective terminal equipments through the radio unit and within the framework of the subscription identified by the module. Each wireless communication device 104 is an individual end user device, such as a cellular phone or PDA. Such an individual wireless communication device cannot support the transfer of multiple user streams between a cellular network *and respective terminal equipments* within a framework of *the* subscription identified by the module.

The location information system 102 of Walsh also clearly does not include a module for identifying a subscription to the cellular network, nor does the location information system 102

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of Walsh include means for transferring multiple user streams between the cellular network and the respective terminal equipments within the framework of the subscription identified by the module.

In the Response to Arguments section, the Office Action made the assertion that "Walsh teaches a wireless communication unit (209) [that] sends the location information to a wireless communication device (104), such as a cellular telephone device, over a short-range wireless communication channel (124), such as a radio frequency communication channel." 7/20/2007 Office Action at 9. This part of the Office Action appeared to have equated the wireless communication unit 209 of Walsh (depicted in Fig. 2 of Walsh) as being the radio unit, which is completely inconsistent with the position taken on pages 2 and 3 of the Office Action that equated the end user device 104 of Walsh with the radio unit of claim 1.

Nevertheless, if the wireless communication unit 209 of Walsh is considered the radio unit, this wireless communication unit 209 of Walsh still cannot satisfy the requirement in claim 1 that the "radio unit" includes a "module for identifying a subscription to the cellular network" and "means for transferring multiple user streams between the cellular network and the respective terminal equipments through said radio unit and within the framework of said subscription identified by said module." The radio communication unit 209 of Walsh, as depicted in Fig. 2 of Walsh, is a Bluetooth RF transceiver that communicates over wireless channel 124 with a wireless communication device 104. The Bluetooth RF transceiver 209 is a physical layer communications device, which clearly cannot provide a module for identifying a subscription to the cellular network and means for transferring multiple user streams between the cellular network and the respective terminal equipments through the radio unit and within the framework of the subscription identified by the module.

The Response to Arguments section of the Office Action also cited to the Background section of Walsh, which refers to a telephone company switch routing a 911 call to a PSAP that serves the address of the location of a caller making the call, in which the telephone subscriber's name is provided to the PSAP. Walsh, 2:21-28. A telephone company switch routing a 911 call to the PSAP and communicating the subscriber's name to the PSAP, as discussed in the conventional E911 service in the Background section of Walsh, has nothing to do with the Bluetooth RF transceiver 209 described in Fig. 2 of Walsh. There is absolutely no indication that

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the Bluetooth RF transceiver 209 of Walsh has the "module" and "means for transferring" elements of claim 1.

In view of the foregoing, it is respectfully submitted that the anticipation rejection of claim 1 over Walsh is **clearly defective**.

Independent claim 14 is also allowable over Walsh for similar reasons as for claim 1.

No rejections were issued against claims 27-37 added in the previous Amendment. Since no rejections have been asserted against these claims, allowance of such claims is respectfully requested.

Moreover, Applicant notes that the subject matter of independent claims 29 and 33 is not disclosed by Walsh for similar reasons as those given above with respect to claim 1.

The other cited references (Greene and Nykanen) also fail to disclose or hint at the elements of claim 1 missing from Walsh. For example, as depicted in Fig. 2 of Greene, it is clear that the mobile devices 30-32 communicate directly with the communication network 100, without any need of an intermediate radio unit. In other words, in Greene, each mobile device 30-32 exchanges *single user* streams with the communication network 100. Moreover, it is clear that each device 30-32 of Greene has its own subscription and direct communication means with the communication network 100 (see Figure 2)—therefore, Greene does not teach or hint at a radio unit that has a module for identifying a subscription to the cellular network and means for transferring *multiple* user streams between a cellular network and the respective terminal equipments within the framework of *the* subscription to the cellular network identified by the module of the radio unit. Therefore, the hypothetical combination of Walsh and Greene would not teach or hint at all elements of claim 1, and thus, a *prima facie* case of obviousness cannot be established with respect to claim 1 over the teachings of Walsh and Greene. *See* M.P.E.P. § 2143 (8th ed., Rev. 5), at 2100-126.

Nykanen in Fig. 1 discloses a radio tower 114 to enable communication between a wireless device 100 and a wireless network 116—however, there is absolutely no teaching or hint that either the wireless device 100 or the radio tower 114 includes a module for identifying a subscription to the cellular network and means for transferring *multiple* user streams between the cellular network and the respective terminal equipments through the radio unit and *within the framework of the subscription identified by the module*, as recited in claim 1. Therefore, the

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hypothetical combination of Walsh and Nykanen would also not teach or hint at all elements of claim 1. A *prima facie* case of obviousness can thus not be established with respect to claim 1 over Walsh and Nykanen.

Also, for similar reasons as stated above for claim 1, claims 14, 29, and 33 are also non-obvious over hypothetical combinations of Walsh and Greene or Walsh and Nykanen.

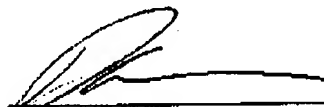
Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, it is respectfully submitted that the obviousness rejections of dependent claims have also been overcome.

In response to Applicant's argument regarding how the hypothetical combination of Walsh and Greene or Walsh and Nykanen fails to disclose or hint at all elements of the claimed subject matter, the Office Action merely cited to a boilerplate response that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, but the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. 7/20/2007 Office Action at 9-10. Such a general response is clearly inadequate for responding to specific arguments raised by Applicant with respect to the teachings of Walsh and Greene or Walsh and Nykanen.

In view of the foregoing, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (MTR.0054US).

Respectfully submitted,

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